

REMARKS

Reconsideration of the above-identified application is respectfully requested.

In the Official Action dated June 7, 2004, the Examiner first objected to the Title as being not descriptive. Applicants' have amended the title herein to set forth more descriptively, **A FRAMEWORK SYSTEM AND METHOD FOR TESTING SERVER PERFORMANCE UNDER MULTIPLE WORKLOADS.** In the Office Action, the Examiner further indicated that the Declaration as filed was defective because the citizenship of one was omitted. Applicants submit concurrently herewith a newly executed Declaration with the complete information specified. The Examiner further indicated that the specification was replete with various grammatical and idiomatic errors. Applicants have reviewed the specification and have amended the specification to correct various informalities discovered. Specifically, corrections to the specification have been made at: the paragraph bridging the bottom of page 1 and top of page 2; the paragraph beginning at page 2, line 10; the paragraph at page 5, beginning at line 5; the paragraph at page 6, beginning at line 12; the paragraph at page 6, beginning at line 17; the paragraph at page 8, beginning at line 5; the paragraph at page 13, beginning at line 10; and, the paragraph at page 13, beginning at line 17. Applicants have taken care to avoid entry of new subject matter. The Examiner further rejected Claims 1-22 under 35 U.S.C. 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner particularly indicated various informalities with Claim 1 and 12, particularly the lack of antecedent bases for certain terms and, the use of the term "third party" in various recitations,

which, the Examiner indicated cannot be disguised from any other client recited in the claims. The Examiner further rejected all of the claims under 35 U.S.C. 102(b), as allegedly anticipated by Wagle (U.S. 5,790,425).

In response to the rejections under 35 U.S.C. §§ 112, 2nd ¶ and 102(b), applicants amend independent Claim 1 to remove the language directed "the third party" and to positively recite a method for testing a server with mixed workloads, where multiple clients serving as agents and a controlling device are connected with a server under test via a network. Claim 1 has particularly been amended to positively set forth method steps comprising: developing one or more workload case configure utilities corresponding to one or more workload cases, each of said utilities implementing a workload case configure utility interface; developing one or more workload engines corresponding to one or more workload cases, each of said engines implementing a workload engine interface; said controlling device configuring workload cases by calling corresponding ones of said workload case configure utilities through said workload case configure utility interface, and transferring the information collected during the configure process to corresponding agents; each of said agents controlling a corresponding workload engine through said workload engine interface to generate multiple kinds of workload requests by using the information collected during the configure process, and concurrently sending said requests to the server; and, said controlling device collecting response information from all the agents, and generating test results. Respectfully, the underlined terms set forth positive recitations of action (method) steps to render the claims more clear and definite, and further, address the various antecedent problems, e.g., workload engine interface.

Similarly, independent Claim 12 is being amended to remove the language

directed to "the third party" and to positively recite a testing framework system for testing a server with mixed workloads, where multiple clients serving as agents and a controlling device are connected with a server under test via a network. Claim 12 has particularly been amended to positively set forth: a controlling device comprising: a controller for coordinating all multiple client agents; a workload case configure utility interface that enables development of one or more workload case configure utilities that can be incorporated into the framework system, the workload case configure utilities allowing generation of specific test requirements; and, each of said multiple client agents comprising: an agent adapter that receives commands and information from said controller and returns the server's response information to said controller; a workload engine interface that enables development of one or more workload engines to be incorporated within said framework system, said workload engines receiving commands and information from said agent adapter to generate multiple kinds of workload requests, concurrently sending requests to the server and receiving response information from the server.

It is respectfully submitted that the amendments to independent Claims 1 and 12 render more clear and definite. Claims 2-11 and Claims 13-22 are additionally being amended to render them more clear and definite in accordance with the amendment to their respective base independent claims, and to remove further minor informalities, e.g., in Claim 10. Further, all claims have been amended to remove the language "characterized in that" which was set forth in the original claims in the counterpart Japanese patent application relied upon for priority.

In accordance with the foregoing, the Examiner is respectfully requested to withdraw the rejections of Claims 1-22 based on 35 U.S.C. §112, 2nd ¶.

With respect to the 35 U.S.C. §102(b) rejection based on the Wagle reference, applicants respectfully disagree.

Particularly, the server testing framework described in Wagle does not distinguish the kinds of workload object in the clients, and does not provide a method for distributing different kinds of "benchmark workload object" to the clients that enable generation of multiple workloads to the server. This is a key distinction. More specifically, the present invention as claimed in amended Claims 1 and 12 provides a respective method and testing system for generating multiple kinds of workloads concurrently to stress the server and measure server responses to individual workload. This distinction is being recited in independent Claim 1 (and corresponding 12) which has been amended to set forth that "...each of said agents controlling a corresponding workload engine through said workload engine interface to generate multiple kinds of workload requests by using the information collected during the configure process, and concurrently sending said requests to the server". Respectfully, the ability to generate multiple kinds of workload requests and concurrently sending the requests to the server is clearly disclosed in the specification, e.g., in the example provided in support of Figure 4 which details how the present invention is used to benchmark test the server by stressing it with two kinds of workloads concurrently, one kind of workload is HTTP, the other being websurf simulation (see Figure 4 and specification at page 8, line 14 - page 10, line 19).

With respect to the rejection of dependent Claim 2 and corresponding system Claim 13, these claims additionally set forth distinguishing features neither taught nor suggested in Wagle. Particularly, Claims 2 and 13 (and independent Claims 1 and 12) have been amended to remove the recitation of third parties. Rather, the language of Claims 2 and 13 have been amended to recite that the workload case configure utility interface includes a function that enables the framework to invoke newly defined workload case configure utilities to define new

workload cases for various test purposes. That is, the present invention as recited in Claims 2 and 13 addresses the ability of the invention to enable testers to add new workloads to the existing testing environment, and creating particular workload mixture scenarios to stress the server. Respectfully, Wagle simply does not teach nor suggest how a "tester" may add or direct addition/development of new kinds of workload objects for generating mixed workloads that can be used to test the server, and further, does not provide how the server responds to each of the workload respectively, as in the present invention. Thus, the removal of the term 'third party workload' refers to new workloads that are identified independently from the default workloads that the framework supplies. The new workloads are identified when new server applications come into being. Thus, the wording 'third party' has been replaced by the recitation of 'new' in Claims 2 and 13. Respectfully, no new matter is being entered as it is explicitly stated and described how the framework enables new kinds of workload from "third parties" be added to the testing easily, no matter if the workload is a standard benchmark or a specialized application workload so it can be used to test server performance with mixed workload.

Consequently, in light of the clarifying amendments provided herein, the Examiner is respectfully requested to withdraw the rejections of all Claims 1-22 based on 35 U.S.C. §102(b).

In view of the foregoing remarks herein, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance be issued. If the Examiner believes that a telephone conference with the Applicants' attorneys would be advantageous to the disposition of

this case, the Examiner is requested to telephone the undersigned, Applicants' attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,



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